

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Digital Audio Broadcasting Systems	)	MM Docket No. 99-325
And Their Impact On the Terrestrial Radio	)	
Broadcast Service	)	

To: The Media Bureau

**REPLY COMMENTS OF NATIONAL PUBLIC RADIO, INC.  
REGARDING NIGHTTIME AM IBOC OPERATIONS**

National Public Radio, Inc. (“NPR”) hereby replies to the comments filed in response to the Public Notice requesting comment on recommendations submitted by the National Association of Broadcasters (“NAB”) concerning nighttime operation of AM In-Band/On-Channel (“IBOC”) digital radio.<sup>1</sup>

In its initial Comments, NPR supported the NAB’s recommendations to extend the current interim authorization for AM IBOC digital audio broadcasting (“DAB”) service to permit nighttime AM IBOC broadcasts by all AM stations authorized to operate at night, without requiring such stations to apply for a separate nighttime authorization. NPR also supported the NAB’s recommendation that the Commission promptly address, on a case-by-case basis, increases in interference to analog AM stations caused by nighttime AM IBOC operations beyond those predicted in the technical reports submitted by iBiquity Digital Corporation and evaluated by the *ad hoc* technical group of broadcast engineers convened by the NAB (the “AM Nighttime

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<sup>1</sup> Public Notice, Comment Sought on Use of Digital AM Transmissions During Nighttime Hours, DA 04-1007, MM Docket No. 99-325, rel. April 14, 2004.

Reports”). NPR further encouraged the Commission to spell out the interference that would trigger FCC attention and the procedures for addressing unanticipated interference.

Most broadcasters submitting comments in this proceeding, like NPR, support the authorization of nighttime AM IBOC DAB operations by all AM stations licensed to operate their analog signals at night, subject to appropriate interference resolution procedures.<sup>2</sup> As numerous broadcasters noted, the vast improvement in AM audio quality achieved through IBOC operations has the potential to revitalize AM broadcasting.<sup>3</sup> However, listeners will be frustrated and the revitalization of AM broadcasting could be threatened if digital operations cease and the quality of service declines at night.<sup>4</sup> Thus, authorization of nighttime AM IBOC operations is an integral part of AM radio’s digital transition.

Many commenters share NPR’s concern that nighttime AM IBOC service could result in interference in certain circumstances to analog AM broadcasts. Therefore, nearly all of the parties supporting nighttime AM IBOC operations also support the

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<sup>2</sup> See, e.g., Comments of Named State Broadcasters Associations, filed June 16, 2004, at 17-18 (consisting of 42 state broadcast associations representing broadcasters in 42 states, the District of Columbia and Puerto Rico, including those state broadcast associations added in the Addendum filed June 23, 2004); Comments of The Walt Disney Company and ABC, Inc., filed Jun 16, 2004, at 4; Comments of Clear Channel Communications, Inc., filed June 16, 2004, at 6; Comments of Entercom Communications Corp., filed June 16, 2004, at 6; Comments of First Broadcasting Investment Partners, LLC, filed June 16, 2004, at 2; Comments of Infinity Broadcasting Corporation, filed June 14, 2004, at 2-6; Comments of Arso Radio Corporation, filed June 9, 2004, at 1-2; Comments of Crawford Broadcasting Company, filed May 14, 2004, at 1-2.

<sup>3</sup> See Comments of Named State Broadcasters Associations at 18; Comments of Infinity Broadcasting Corporation at 2-3; Report of the NAB in MM Docket No. 99-325, filed March 5, 2004, at 2.

<sup>4</sup> See Comments of Entercom Communications Corp. at 6; Comments of Infinity Broadcasting Corporation at 3; Comments of iBiquity Digital Corporation, filed June 14, 2004, at 3.

NAB's recommendation that the FCC address, on a case-by-case basis, increases in interference to analog AM service beyond those increases predicted in the AM Nighttime Reports.<sup>5</sup>

Several parties state that the FCC's current procedures for resolving complaints of interference on a case-by-case basis are sufficient in the case of nighttime AM digital operations.<sup>6</sup> NPR generally agrees, but suggests for purposes of clarity -- and to facilitate the prompt resolution of interference -- that the FCC's IBOC rules include definitions of the levels of interference that will trigger FCC action and the procedures that will be used to resolve instances of interference involving AM nighttime IBOC operations.<sup>7</sup> The definitions of interference requiring resolution in the nighttime AM IBOC context should generally correspond with those in the AM Nighttime Reports, and should not include every single instance of interference, such as those occurring well outside of a station's Nighttime Interference Free contour, as suggested by some parties.<sup>8</sup> The procedures for resolving complaints of interference should be similar to those used in the case of interference from daytime AM IBOC service.<sup>9</sup> However, the Commission

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<sup>5</sup> See Comments of Named State Broadcasters Associations at 18; Comments of the Walt Disney Company and ABC, Inc. at 4; Comments of First Broadcasting Investment Partners, LLC at 3; Comments of Greater Media, Inc., filed June 16, 2004, at 10; Comments of Infinity Broadcasting Corporation at 4; Comments of Arso Radio Corporation at 1-2; Comments of Crawford Broadcasting Company at 2.

<sup>6</sup> See Comments of Infinity Broadcasting Corporation at 3; Comments of Arso Radio Corporation, at 2; Comments of iBiquity Digital Corporation at 4.

<sup>7</sup> See Comments of First Broadcasting Investment Partners, LLC at 3.

<sup>8</sup> See Comments of Nebraska Rural Radio Association, filed June 10, 2004, at 2; Comments of Reunion Broadcasting L.L.C., filed June 7, 2004, at 4.

<sup>9</sup> See In the Matter of Digital Audio Broadcasting Systems and Their Impact on the Terrestrial Radio Broadcast Service, MM Docket No. 99-325, Further Notice of Proposed

should not implement the requirement contained in the daytime AM IBOC complaint procedures that stations reduce their primary digital subcarrier power level by 6 dB if the Media Bureau does not resolve an interference complaint within 90 days. In the case of interference from nighttime AM IBOC operations, a 6 dB power reduction may either be too high or too low, and a more flexible approach is warranted. Therefore, any reduction in power level should be more carefully tailored to the actual interference.<sup>10</sup>

NPR agrees with iBiquity that, even before a complaint is filed, the FCC's rules should (1) encourage stations to work out instances of interference by nighttime AM IBOC operations voluntarily, and (2) allow stations to reduce digital power levels, without advance FCC approval, if necessary to ameliorate interference.<sup>11</sup>

We disagree, however, with Clear Channel's suggestion that broadcasters should be required, before initiating AM nighttime IBOC operations, to notify all potentially affected stations in writing, perhaps 60 days in advance, and that potentially affected stations should be given 30 days following such notice to object in writing to the planned AM IBOC implementation.<sup>12</sup> Since it is difficult to forecast the impact from nighttime AM digital service, this proposed procedure would be likely to generate objections from

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Rulemaking and Notice of Inquiry, (Apr. 20, 2004), at ¶ 45; In the Matter of Digital Audio Broadcasting Systems and Their Impact on the Terrestrial Radio Broadcast Service, MM Docket. No. 99-325, First Report and Order, (Oct. 11, 2002), at ¶ 29.

<sup>10</sup> For these reasons, NPR also disagrees with Clear Channel's proposal that the FCC direct AM stations to reduce power by 6 dB pending resolution of the alleged interference if stations cannot resolve interference issues prior to the initiation of AM nighttime IBOC operations. See Comments of Clear Channel Communications, Inc. at 7.

<sup>11</sup> Comments of iBiquity Digital Corporation at 4-5; see also Comments of Arso Radio Corporation at 2.

<sup>12</sup> See Comments of Clear Channel Communications, Inc. at 6-7.

stations that would not even receive actual interference and to give potentially affected stations considerable power to hold up the digital plans of their competitors. Instead of the notice and comment procedures suggested by Clear Channel, the FCC might publish a Public Notice upon receipt of notifications that stations are initiating AM IBOC service. This would give potentially affected stations additional information about the operating conditions of stations initiating nighttime AM IBOC service.

### **Conclusion**

For the reasons set forth in NPR's initial Comments and these Reply Comments, NPR supports the NAB's recommendations that the FCC (1) extend the current interim authorization for AM IBOC digital service to permit nighttime AM IBOC broadcasts by all AM stations authorized to operate at night, and (2) address, on a case-by-case basis, significant increases in interference to analog AM stations caused by nighttime AM IBOC operations.

Respectfully submitted,

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